

FILED

MAY 28 2013

**Board of Vocational Nursing
and Psychiatric Technicians**

1 KAMALA D. HARRIS
Attorney General of California
2 MARC GREENBAUM
Supervising Deputy Attorney General
3 CHRISTINA THOMAS
Supervising Deputy Attorney General
4 State Bar No. 171163
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2557
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. PT-2009-2535

12 **LOUISE MARIA ESTRADA**
160 N. El Molino Avenue
13 Pasadena, CA 91101

A C C U S A T I O N

14 Psychiatric Technician License No. PT 31591

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in
20 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric
21 Technicians, Department of Consumer Affairs (Board).

22 2. On or about February 7, 2003, the Board of Vocational Nursing and Psychiatric
23 Technicians issued Psychiatric Technician License No. PT 31591 to Louise Maria Estrada
24 (Respondent). The Psychiatric Technician License was in full force and effect at all times
25 relevant to the charges brought herein and expired on June 30, 2012.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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"(a) Unprofessional conduct, which includes but is not limited to any of the following:

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"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or terms of this chapter.

• • • •

"(f) Conviction of any offense substantially related to the qualifications, functions, and duties of a psychiatric technician, in which event the record of the conviction shall be conclusive evidence of the conviction. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline.

• • • •

"(n) The commission of any act involving dishonesty, when that action is substantially related to the duties and functions of the licensee."

REGULATORY PROVISIONS

8. California Code of Regulations, title 16, section 2564, states:

"All persons holding a license from the Board shall file their current mailing address with the Board at its office in Sacramento, and shall immediately notify the Board of any and all changes of mailing address, within 30 days after the change, giving both their old and new addresses and license number."

9. California Code of Regulations, title 16, section 2564.1, states:

(a) A licensee shall respond to any inquiry by the Board or its appointed representatives within 30 calendar days after service of the inquiry.

(b) A licensee shall provide true and accurate information and responses.

(c) A licensee shall provide all files, working papers and other records requested.

(d) A licensee shall not take any action for the purpose of obstructing any Board inquiry, investigation, hearing or proceeding.

10. California Code of Regulations, title 16, section 2576.6, states:

(a) A licensed psychiatric technician shall safeguard patients'/clients' health and safety by actions which include but are not limited to the following:

1 (1) Reporting to the Board unprofessional conduct as defined in Section 4521(a) of
2 the Business and Professions Code;

3 (2) Documenting patient/client care in accordance with standards of the profession;
4 and

5 (3) Performing services in accordance with Section 125.6 of the Business and
6 Professions Code.

7 (b) A licensed psychiatric technician shall adhere to standards of the profession and shall
8 incorporate ethical and behavioral standards of professional practice which include but are not
9 limited to the following:

10 (1) Maintaining current knowledge and skills for safe and competent practice;

11 (2) Maintaining patient/client confidentiality;

12 (3) Maintaining professional boundaries with the patient/client; and

13 (4) Abstaining from chemical/substance abuse.

14 (c) A violation of this section constitutes unprofessional conduct for purposes of
15 initiating disciplinary action.

16 11. California Code of Regulations, title 16, section 2578, states:

17 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
18 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
19 considered to be substantially related to the qualifications, functions or duties of a licensed
20 psychiatric technician if to a substantial degree it evidences present or potential unfitness of a
21 licensed psychiatric technician to perform the functions authorized by his license in a manner
22 consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be
23 limited to those involving the following:

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25 "(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
26 violation of, or conspiring to violate any provision or term of Chapter 10, Division 2 of the
27 Business and Professions Code."

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1 **COST RECOVERY**

2 12. Section 125.3 states, in pertinent part, that the Board may request the administrative
3 law judge to direct a licensee found to have committed a violation or violations of the licensing
4 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
5 case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Convictions of Substantially-Related Crimes)**

8 13. Respondent is subject to disciplinary action under sections 490, 4521, subdivision (f),
9 in conjunction with California Code of Regulations, title 16, section 2578, in that Respondent was
10 convicted of crimes that are substantially related to the qualifications, functions, and duties of a
11 psychiatric technician as follows:

12 a. On or about September 13, 2012, after pleading *nolo contendere*, Respondent was
13 convicted of one felony count of Penal Code section 666(a) [Petty theft with 3 priors] in the
14 criminal proceeding entitled *The People of the State of California v. Louise M. Estrada* (Super.
15 Ct. Los Angeles, 2012, No. GA87109.) The Court sentenced Respondent to serve 180 days in jail
16 and placed her on formal probation for 3 years on terms and conditions, with a requirement to
17 enter a 6 month treatment program upon release from jail. The circumstances surrounding the
18 conviction are that on or about August 3, 2012, at the Pasadena, CA Von's Grocery Store,
19 Respondent did feloniously steal and take the personal property of another while having prior
20 convictions.

21 b. On or about June 14, 2012, after pleading guilty pursuant to a plea agreement,
22 Respondent was convicted of one felony count of violating Health & Safety Code section 11350
23 (a) [possession of a controlled substance], in the criminal proceeding entitled *The People of the*
24 *State of California v. Louise Maria Estrada* (Super. Ct. Los Angeles, 2012, No. BA384426). The
25 judge convicted Respondent, ordered a bench warrant and set bail at \$50,000.00. The
26 circumstances surrounding the conviction are that on or about May 11, 2011, LAPD arrested
27 Respondent at Huntington Memorial Hospital after she admitted to overdosing on heroin.

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1 c. On or about December 29, 2009, after pleading *nolo contendere*, Respondent was
2 convicted of one misdemeanor count of violating Penal Code section 459 [burglary], in the
3 criminal proceeding entitled *The People of the State of California v. Louise Maria Estrada*
4 (Super. Ct. Los Angeles, 2009, No. 9AH05684). The court sentenced Respondent to serve 6 days
5 in jail, placed her on probation for a period of 3 years, and fined her. The circumstances
6 surrounding the conviction are that on or about December 24, 2009, a South Pasadena Police
7 Department Officer was dispatched to the Pavillions' store in the city of Pasadena, California, to
8 investigate a petty theft by a female subject. The Respondent was identified by the Pavillions'
9 store manager as the female subject that had shoplifted and walked out of the store without
10 paying for items. During the investigation, the Respondent admitted to the officer that she had
11 not paid for the items and that she went to the store with the intention to steal them.

12 d. On or about December 9, 1992, after pleading *nolo contendere*, Respondent was
13 convicted of one felony count of violation Vehicle Code § 10851(a) [unlawful driving or taking
14 of a vehicle] in the criminal proceeding entitled *The People of the State of California v. Louise M.*
15 *Estrada* (Super. Ct. Los Angeles, 1992, No. BA068234.) The Court sentenced Respondent to 180
16 days, and reinstated the jail term for Respondent's probation violation for leaving a court-ordered
17 drug treatment program. The circumstances surrounding the conviction are that on or about
18 November 20, 1992, Respondent did willfully and unlawfully drive a certain vehicle, to wit, a
19 1987 Mazda, the property of another, without the consent of and with intent to deprive said owner
20 of title to and possession of said vehicle.

21 e. On or about November 23, 1992, after pleading *nolo contendere*, Respondent was
22 convicted of one misdemeanor count of violating Penal Code section 666 [petty theft with prior
23 jail: specific offenses], in the criminal proceeding entitled *The People of the State of California v.*
24 *Louise Maria Estrada* (Super. Ct. Los Angeles, 1992, No. 92M02222). The court sentenced
25 Respondent to serve 90 days in jail and placed her on probation for a period of 2 years. The
26 circumstances surrounding the conviction are that on or about February 23, 1992, Respondent did
27 unlawfully and willingly commit petty theft against another person and was convicted of petty
28 theft three or more times prior to February 23, 1992, violating Penal Code section 666.

1 f. On or about November 9, 1989, after pleading *nolo contendere*, Respondent was
2 convicted of one misdemeanor count of violating Penal Code section 484 [petty theft], in the
3 criminal proceeding entitled *The People of the State of California v. Louise Maria Estrada*
4 (Super. Ct. Los Angeles, 1988, No. 88F06725). The court sentenced Respondent to serve 10 days
5 in jail, and placed her on probation for a period of 24 months. The circumstances surrounding the
6 conviction are that on or about June 24, 1988, Respondent did feloniously steal, and take the
7 personal property of another person with the intent to defraud that person violating Penal Code
8 section 484.

9 g. On or about August 20, 1987, after pleading *guilty*, Respondent was convicted of one
10 misdemeanor count of violating Penal Code section 484, subdivision (a) [petty theft of personal
11 property], in the criminal proceeding entitled *The People of the State of California v. Louise*
12 *Maria Estrada* (Super. Ct. Los Angeles, 1987, No. 87M04996). The court placed Respondent on
13 probation for a period of 2 years, and fined her. The circumstances surrounding the conviction
14 are that on or about August 14, 1987, Respondent did feloniously steal and take the personal
15 property of another person with the intent to defraud that person violating Penal Code section
16 484.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Acts Involving Dishonesty)**

19 14. Respondent is subject to disciplinary action under section 4521, subdivision (n), on
20 the grounds of unprofessional conduct, in that Respondent was convicted of crimes that involved
21 dishonest acts. Complainant refers to, and by this reference incorporates, the allegations set forth
22 above in paragraph 13, subparagraphs (a) through (g), inclusive, as though set forth fully.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Failure to Notify Board of Address Change)**

25 15. Respondent is subject to disciplinary action under California Code of Regulations,
26 title 16, section 2564, in that Respondent failed to provide the Board with her current mailing
27 address, within 30 days after making the change as required by the regulation.

28 **FOURTH CAUSE FOR DISCIPLINE**

1 (Failure to Respond to Board Inquiries)

2 16. Respondent is subject to disciplinary action under California Code of Regulations,
3 title 16, section 2564.1, subdivision (a), in that Respondent failed to respond to the Board's
4 inquiry for additional information within 30 calendar days from the date of service of the inquiry
5 as required by the regulation.

6 **FIFTH CAUSE FOR DISCIPLINE**

7 (Failure to Adhere to the Ethical/Behavioral Standards of Practice)

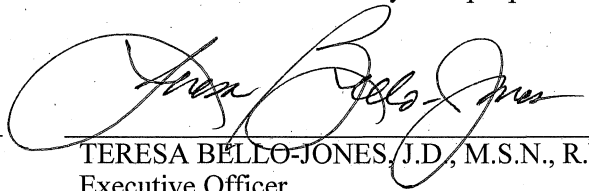
8 17. Respondent is subject to disciplinary action under California Code of Regulations,
9 title 16, section 2576.6, subdivisions (b) and (c), in that Respondent failed to adhere to the
10 Ethical/Behavioral Standards of Practice when she was convicted of crimes involving burglary,
11 petty theft, and theft. Complainant refers to, and by this reference incorporates, the allegations set
12 forth above in paragraphs 13 through 16, inclusive, as though set forth fully.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board issue a decision:

- 16 1. Revoking or suspending Psychiatric Technician License No. PT 31591, issued to
17 Louise Maria Estrada;
- 18 2. Ordering Louise Maria Estrada to pay the Board the reasonable costs of the
19 investigation and enforcement of this case, pursuant to Business and Professions Code section
20 125.3; and,
- 21 3. Taking such other and further action as deemed necessary and proper.

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23 DATED: May 28, 2013

24 
25 TERESA BELLO-JONES, J.D., M.S.N., R.N.
26 Executive Officer
27 Board of Vocational Nursing and Psychiatric Technicians
28 Department of Consumer Affairs
State of California
Complainant

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